REMARKS

Claims 1 and 3-12 remain in this application.

Initially, Applicants which to make of record a telephone interview conducted with Examiner Qaderi on October 8, 2003 during which the features of the present invention and the disclosure of the reference U.S. Patent No. 6,485,413 (BOPPART et al.) cited by the Examiner were discussed. The Examiner asserted that BOPPART et al. discloses, in particular, column 16, at line 26, the "entire apparatus" can be translated in the Z (depth) direction, thus including the interferometer. Applicants' representative asserted that the Examiner's interpretation of BOPPART et al. is incorrect (as will be set forth in more detail below) and that the claims are patentable over the cited reference. The Examiner is thanked for the cooperation exhibited during the above-noted interview.

Upon entry of the present amendment, claim 1 will have been amended to more clearly define the claimed embodiment of the invention. Applicants respectfully submit that all pending claims are now in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claims 1 and 3-12 under 35 U.S.C. § 103(a) as being unpatentable over BOPPART et al. (U.S. Patent No. 6,485,413). Applicant respectfully traverses this rejection, at least for the reasons stated below.

In the above-referenced Advisory Action, the Examiner rejected the arguments set forth in Applicants' initial Response after Final Action. More particularly, the Examiner asserted that the translation of the entire apparatus in the z (depth) direction either toward or away from the specimen as disclosed in columns 16-19 and figure 9c of the BOPPART et al. reference encompasses the limitation to a driving unit that moves the interferometer of applicant's claims. Accordingly, the Examiner determined that claims 1 and 3-12 remained rejected.

The present invention, as recited in amended claim 1, provides a driving unit to move the interferometer unit at least one of towards and away from an object with respect to the signal processing system. This feature is shown, for example, in Fig. 1. The OCT unit is movable with respect to, e.g., the video signal processing circuit 225.

On the other hand, BOPPART et al. discloses, in column 16, lines 26, as the Examiner indicated, that one method involves translating the "entire apparatus" in the z depth direction either toward or away from the specimen. Although the specification of BOPPART et al. is unclear what is included in the "entire apparatus," it appears, from the description of column 9, lines 1-27, the apparatus includes at least actuation techniques, probe module, and imaging system, which includes computers to detect the image signal, process the incoming data, and assemble the data to form a one, two, three, or four dimensional data set and image. Thus, even assuming that the Examiner's assumption is correct and the "entire apparatus" includes

the interferometer, BOPPART et al. provides no teaching for moving the interferometer unit with respect to the signal processing system, as recited in Applicants' claim 1.

Figure 9c of BOPPART et al. is an example of focus tracking. As stated in Figure 9c, and column 18, lines 29-37, the focus tracking requires adjustment of the reference arm path length, or adjustment the reference mirror location as the focusing lens is moved to image different depths within a specimen. Thus, contrary to the Examiner's assertion, the embodiment shown in Figure 9c does not show that the interferometer unit as defined in claim 1 is translated with respect to the signal processing system. In addition, other portions of the cited columns 16-19 of BOPPART et al. include the explanation of Figures 9a and 9b. However, neither Figure 9a nor 9b includes an interferometer unit that is movable or is driven as recited, as is clearly evidenced by the arrows of the figures. Moreover, the reference to "moving the entire probe module" in the legend of Fig. 9a clearly does not disclose moving the interferometer unit, as the probe module is distinct from the interferometer as shown in Fig. 1.

Accordingly, since BOPPART et al. do not disclose, teach or suggest the combination of the features in Applicant's invention, as recited in claim 1, withdrawal of the rejection under 35 U.S.C., § 103(a) based on BOPPART et al. is respectfully requested.

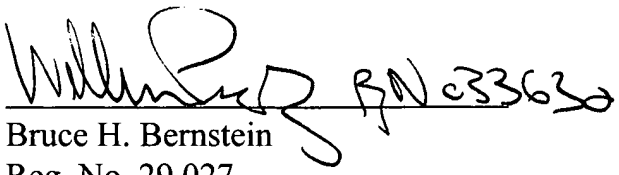
With regard to claims 3-12, Applicant asserts that they are allowable at least because they depend from independent claim 1, which the Applicant submits has been shown to be allowable.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of June 3, 2003, and maintained in the Advisory Action of October 21, 2003, together with an indication of the allowability of claims 1 and 3-12, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attached thereto.

Should the Examiner have any questions concerning this Amendment or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
K. FURUSAWA et al.



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